

**“Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis
to Better Serve State, Local, and Tribal Needs”**

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Chairwoman Harman, Ranking Member Reichert, and distinguished Members of the Intelligence, Information Sharing and Terrorism Risk Assessment Subcommittee, thank you for the opportunity to testify before you today. The role of intelligence is the lifeblood in the campaign against terrorism and other threats. Your leadership in examining intelligence issues as they relate to the Department of Homeland Security better serving state, local, tribal and other stakeholders is to be commended. This should be the primary mission of the Office of Intelligence and Analysis.

Officials at the state, local, and tribal levels and their counterparts in the private sector are often the first preventers and responders to terrorism and other security threats. Timely, accurate and well-informed intelligence and information products, shared vertically and horizontally with all responders at all levels of government, are more important than ever in order to inform them about threats, solutions and responses. Collectively, these capabilities build our understanding of the adversary. Already, we have made some headway toward this end in theory, if not entirely in practice. A National Strategy for Information Sharing exists.¹ We are moving towards creating an effective Information Sharing Environment—one supported by a culture based on a ‘need to share’ rather than merely a ‘need to know.’ Notably, the National Strategy references the crucial role of state, local and tribal partners in an effective counterterrorism effort. However capable our intelligence apparatus’ may be, this is ultimately an exercise in risk management; intelligence simply has limitations. Intelligence estimates, for example, are just that: analysts are not and cannot be expected to be clairvoyant.

In the course of my work as the Director of The George Washington University Homeland Security Policy Institute, I have worked with a range of state and local intelligence and law enforcement officials. Two common themes have emerged among my discussions with them: without a seat at the table in Washington, they cannot be true partners in the intelligence and information sharing process; and at the same time, the maxim of ‘think globally, act locally’ should apply.

Information collected by state and local partners does not always make it into national intelligence assessments, while the products they receive often do not meet their unique needs. The Department of Homeland Security’s Office of Intelligence and Analysis has the potential to remedy this through three steps. First, the Office should champion state, local, and tribal stakeholders within the Beltway, setting standards and designing

customer-driven intelligence products and processes, such as the National Intelligence Priority Framework. Second, it should enable its state and local partners by investing in analytical capabilities in existing information sharing venues like Fusion Centers and operationalizing that intelligence. Finally, it can work to integrate fully intelligence collection and analysis at all levels of government, producing the first truly all-source, all crimes and all-hazards domestic threat assessment. Respecting and preserving civil rights and civil liberties is crucial in all of this, and the Department's Office of Civil Rights and Civil Liberties should be at the forefront of these efforts, consulting and incorporating to the fullest extent possible the views of the broader civil rights and civil liberties community.

Championing State, Local and Tribal Stakeholders at the National Level

Just as many law enforcement duties and policies are the purview of state and local governments, so too should many corresponding intelligence functions. While federal agencies rightly should be concerned with transnational threats against our homeland, allies and interests abroad, relying solely on Washington, DC-based agencies for state and community-based intelligence needs ensures local requirements and concerns do not receive the priority they deserve. No one has a better grasp of communities and their particulars than local officials and partners. Thus, while products such as National Intelligence Estimates and programs such as personnel rotations to different intelligence details are important at the national level, the Office of Intelligence and Analysis should ensure state and local partners receive the priority they deserve by representing them at the national and homeland security planning tables, setting priorities and requirements and designing products that meet the unique needs of these partners.

That said, intelligence and analysis on terrorist tradecraft including weapons, financing and modus operandi currently used in combat environments and other targets of terrorism far from our own municipalities can be useful for domestic purposes. Knowing what and who we face abroad can serve as a positive tool for creating policies, fine tuning tactics, and collaborating on threat indicators among other responses at the local level. As past events have indicated, our geographic isolation from regions frequently affected by terrorism is but a small impediment to those seeking harm against our homeland. The need to think globally and act locally necessitates creating a mechanism whereby state and local partners are kept in the loop regarding national intelligence assessments of international terrorism and transnational crime. The Office of Intelligence and Analysis should ensure partner agencies and officials receive current national intelligence assessments that can be integrated into state and local law enforcement practices.

The Office of Intelligence and Analysis should also take the lead in designing new intelligence products such as the following:

- Regional Threat Assessments, produced by Fusion Centers incorporating intelligence gathered at the state and local levels across a geographic region, would focus on trends in suspicious activity, radicalization, threats to critical infrastructure and other local concerns.² Such assessments would, for the first time in many cases,

not only make state and local authorities aware of threats and key vulnerabilities in neighboring jurisdictions, but also in those across the country. Besides raising awareness of terrorist and criminal indicators throughout different jurisdictions, Regional Threat Assessments would indicate similarities and differences in how state and local authorities collect intelligence, as well as in what they are collecting. Similarly, these assessments would allow state and local officials to compare threats at a broader level, thereby enabling them to more easily spot trends between different jurisdictions. The Office of Intelligence and Analysis would prove vital to ensuring that information collected at the local level is fed into relevant analysis and that the analytical capacity is in place to turn the intelligence into products to be shared among disparate jurisdictions.

- Along with Regional Threat Assessments, other threat assessments incorporating intelligence gathered overseas that is directly relevant to state and local responders would be produced. These products would include information on threats to the homeland arising overseas, trends in radicalization and counter-radicalization abroad and intelligence collected at US borders by federal agencies. US Customs and Border Protection, for example, is a unique Department of Homeland Security asset and information collector that should be better incorporated into the intelligence capacities of local and state partners with points of entry within their jurisdiction. The Office of Intelligence and Analysis should act as that enabler. Another example of a best practice that should be further disseminated and replicated is the Integrated Border Enforcement Teams (IBETs) which bring together Canadian and US border security agencies at 23 locations. Intelligence gathered abroad is already available; what is needed is for the Office of Intelligence and Analysis to ensure national collection assets collect the information needed by all levels of government, and that products provided to state and local responders meet their unique needs.
- A virtual library of key documents, statements, video propaganda, and other materials produced by our adversaries would be established and maintained by the Office of Intelligence and Analysis for its state and local partners. This would provide state and local responders with a better understanding of our adversaries' intentions, capabilities, and tactics, but also the narratives they use to spread their appeal—information needed to identify and counter radicalization and emerging threats in their own communities. It could also help state and local responders develop a lexicon for effectively discussing issues of terrorism and radicalization with their communities. In particular, they need more and better analysis, providing a multidisciplinary understanding of our adversaries' motivations, thoughts, and plans. While indications and warnings of possible attacks are vital, better understanding of our adversaries will allow our first responders to move towards preempting and disrupting terrorist activities before they take shape.
- Incident reports providing background on and summaries of international and domestic terrorist actions (including actual incidents and those that were thwarted) would be produced and collected by the Office of Intelligence and Analysis and

placed into a virtual database that would supplement the virtual library. These incident reports would inform state and local partners of terrorist activity and trends outside their jurisdictions. Two examples of open source terrorism incident databases are the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland and the Memorial Institute for the Prevention of Terrorism's Terrorism Knowledge Base.

- Information gathering and reporting processes would be standardized by the Office of Intelligence and Analysis through requirements setting. The Los Angeles Police Department, for example, recently introduced Suspicious Activity Reports (SARs) for its officers to report in detail any kind of potential terrorist-related activity, which fits seamlessly into their daily operations. Department officers have been receiving training in what kinds of suspicious activities to look for based on a 65-item checklist which includes indications that someone conducted surveillance on a government building, tried to acquire explosives, openly espoused extremist views or abandoned a suspicious package, for example. SARs represent a best-practice that could be used at the state and local levels across the country to feed information into customer-driven products like the Regional Threat Assessments. These best-practices are already being implemented by state and local responders; what is needed now is for the Office of Intelligence and Analysis to act as a champion of the SARs in order to implement the program with other partners in a manner that promotes information sharing as broadly as possible. Analysts from the Office of Intelligence and Analysis could take a SAR, for example, and fuse it with other intelligence including that from Fusion Centers, and create a product that is broad but recognizes both a community's unique aspects as well as incorporating regional and national trends.

This is not meant to be a comprehensive list, but to illustrate some of the information products and resources that state and local responders need—and are not necessarily receiving—in order to secure their communities. By championing its state and local partners at the national level, the Office of Intelligence and Analysis can set new priorities and requirements at all levels of government in order to produce these vital and currently overlooked products. While this may be beyond the jurisdiction of this Subcommittee, it is important to note that if the Office of Intelligence and Analysis does not take on this role, then others such as the Federal Bureau of Investigation or the National Counter Terrorism Center should be given the authority and responsibility to do so.

Enabling State, Local and Tribal First Preventers & Responders

Ultimately, the solutions to terrorism and related threats will be local in nature—through localized analysis, community policing, and counter-radicalization that starts from the ground up. More than just setting requirements and providing products needed by state and local entities, the Office of Intelligence and Analysis must enable and empower state and local responders to be true partners in information analysis and sharing—that is, in fighting terrorism.

This means, first and foremost, investing in analytical capacity. Throughout our country's intelligence community, there is an emphasis on collection over analysis. This is especially true with regard to the state and local levels, where many responders lack the resources or capacity to conduct analysis on their own. The New York Police Department and the Los Angeles Police Department offer two exceptions to the rule: both departments have developed effective intelligence collection and analytical capabilities, to their great credit. While there may be a few other exceptions, most municipalities and states do not have the resources to develop similar capabilities on their own, nor necessarily should they. This is not to say that stop-gap measures do not exist. For example, a wealth of open source information concerning our adversaries worldwide is available to state and local officials by the Department of Homeland Security through the Universal Adversary internet portal, a tool that is not yet well known. Training and educating state and local consumers of intelligence analysis on how best to make use of tools such as this is also important.

State and local responders often do not have much luck when turning to avenues of information sharing with the federal government. Facing a virtual alphabet soup of state and federal offices and agencies to contact, it is often difficult to even know where to turn. Even when it is clear, analytical capacity is usually given second billing after collection. Principal Deputy Under Secretary for Intelligence and Analysis Tomarchio, for example, noted in recent testimony that the Office of Intelligence and Analysis now has 23 officers deployed and serving in Fusion Centers around the country.³ While this is a positive step, it should be noted that this amounts to a little more than a third of an analyst per Fusion Center, excluding municipal police departments. To remedy this, the Office of Intelligence and Analysis should continue to deploy its own analysts to Fusion Centers and other points of cooperation, working to build out the analytical capabilities of these organizations. The burden of championing, enabling, and integrating the capabilities and goals of state and local partners should not fall to the Department of Homeland Security alone. Rather, sustained, long-term investment of both capital and personnel resources by the White House, various cabinet and sub-cabinet agencies, along with this and other Congressional bodies is necessary to increase the analytical capacities of and access for state and local partners. Unfunded mandates are not the answer, and it is important that Congress remain cognizant of the need for sustained investment in this area over the long run.

The key goal of the Office of Intelligence and Analysis, however, should not be to continue the trend of top-down driven analysis. Instead, it should work to develop the analytical capacity from the bottom-up, by providing the required resources and training, disseminating lessons learned and best practices at home and abroad, and by identifying and filling gaps in capabilities for its state and local partners. For example, the Office of Intelligence and Analysis could enable state and local officials to gain hands-on experience through international partnerships and exchanges, most of which are outside the financial reach of state and local responders. Working with their counterparts overseas, state and local officials can gain greater understanding of how terrorists operate internationally, what counterterrorism approaches are being implemented abroad, what

radicalization and counter-radicalization look like on the ground, and on-the-scene situational awareness.⁴

While some information such as a better understanding of our adversaries will likely come from the national intelligence community, intimate knowledge of local communities will not be found in Washington, DC. State and local law enforcement, fire fighters, emergency medical services and others are truly on the front line against terrorism; they are not only the first to respond to an attack but, knowing their communities best, are the best-placed to identify and thwart radicalization and emerging plots before they become critical threats. Though terrorist threats are often transnational in nature, the solutions are primarily local. While the brick-and-mortar infrastructure of Fusion Centers and related entities are important, it is people who are critical—individuals trained and prepared to conduct intelligence analysis and intelligence-led community policing.

These last two are essential. I have often said that in the struggle against terrorism, we cannot simply kill or capture our way to victory, but instead must utilize all instruments of statecraft to undermine the appeal of our adversaries' narrative.⁵ This is as true abroad as it is at home. Here, we cannot rely on the hard edge of policing by arresting our way to security. Instead, through community policing and engagement—earning the trust of communities, informing the public, identifying suspicious activities and signs of incipient radicalization, and discerning and diminishing grievances—we can undermine the appeal of our adversaries' narrative at home as well as abroad. The Office of Intelligence and Analysis can play a role not just by enabling and empowering state and local responders to develop their own analytical capabilities, but also by disseminating good work being done in the field of community engagement at the federal level.

Bringing State, Local, and Federal Together

Like much of the Department of Homeland Security since its inception, the role and structure of the Office of Intelligence and Analysis has evolved over time. The Office's integration within the federal intelligence community as well as with local and state partners is both necessary and challenging. It is important to remember that this integration is a process, the end of which we have not yet reached. As we look to ways to better integrate all levels of government, to enable and empower state and local responders, and create a customer-driven intelligence environment, the Office of Intelligence and Analysis will develop the capability to produce a truly powerful intelligence product: a comprehensive National Intelligence Estimate (NIE) addressing threats to the homeland, both foreign and domestic.

Currently, the National Intelligence Council (NIC) provides, among other products, high-level estimates of global trends.⁶ Within the NIC, however, there is no National Intelligence Officer (NIO) or deputy NIO from the Department of Homeland Security. This means that a domestic threats security perspective, including systematic input from state and local officials, is not fully provided. The quick fix of a deputy NIO from the FBI did contribute to the July 2007 NIE on threats to the homeland. Looking to the

future, however, the responsibility for domestic threat assessments ought to reside outside of the Intelligence Community.

Within the larger discussion of the evolving role of the Office of Intelligence and Analysis, privacy protections must play a central role. Protecting civil rights and civil liberties must not be an afterthought to the discussion of how to effectively collect, share and disseminate intelligence. Rather, ensuring the privacy of Americans should be part-and-parcel with the intelligence and analytical objectives and goals of the Office of Intelligence and Analysis. As more agencies at all levels collect and share information on more facets of our lives at the community level, the opportunity for even the well-intended to cause privacy violations increases. This is problematic not only from the standpoint of an ordinary citizen concerned with their privacy, but also from an operational perspective. If communities view first responders, for example, as intelligence collectors with too broad a mandate, a lack of trust will develop, making it impossible for first responders to fulfill their primary roles and closing off an important avenue of information sharing with their communities. As Benjamin Franklin noted well before intelligence became a specialized discipline, “Anyone who trades liberty for security deserves neither liberty nor security.”⁷

By establishing clear and transparent guidelines on the protection of civil rights and liberties, and by designing and providing appropriate training to state and local partners, community-based intelligence programs will not be marred and undermined by concerns of the potential for privacy violations.

For any new intelligence or information sharing program, or collaborative effort through the Department of Homeland Security to be successful, it is critical for the Office of Intelligence and Analysis to build trust and confidence with public and private partners across all governmental levels to better serve its customers. That credibility will allow the Office of Intelligence and Analysis to serve three key functions for its state and local partners: serve their intelligence needs; enhance their creativity, resources and potential; and advocate within the Beltway for enhanced cooperation, funding and other critical resources to help state and local partners better serve their communities. Enhanced intelligence capabilities across local, state, regional and national levels will lead to better community security and ultimately our nation’s security.

It is important not to get lost in the bureaucratic weeds. What we’re talking about here today is simple: finding ways to making the good work being done by responders at all levels of government easier and better by connecting all of their efforts together. Since it takes a network to defeat a network, it is essential that we enhance our nation’s responders’ interconnectivity and information-sharing capacity. This is one of the most powerful force multipliers for homeland security.

With that in mind, there is a need to de-mystify intelligence and its role in policymaking. As we all know, a little black box with unearthed secrets that is accessible to only those with a sufficient security clearance simply does not exist. Intelligence should play a supporting function—a means to an end rather than an end in and of itself. But those

intelligence means are critical to providing national and community-based officials alike with the necessary tools to enable closer cooperation, more informed decision making and more nuanced policymaking. It is the people, not the programs, that are doing the work—and it is in people that the Office of Intelligence and Analysis should be investing.

I wish to thank the Committee and its staff for the opportunity to testify before you today, and I would now be pleased to try to answer any questions that you may have.

¹ National Strategy for Information Sharing, The White House, October 2007, <http://www.whitehouse.gov/nsc/infosharing/>.

² The regional approach has merits beyond the intelligence context. See, for example, *Regionalizing Homeland Security: Unifying National Preparedness and Response*, The George Washington University Homeland Security Policy Institute, June 30, 2006, <http://www.gwumc.edu/hspi/pubs/hspiregion.pdf>.

³ *Focus on Fusion Centers: A Progress Report*. Testimony of Principal Deputy Under Secretary for Intelligence and Analysis Jack Tomarchio Before the Senate Committee on Homeland Security and Governmental Affairs Ad Hoc Subcommittee on State, Local and Private Sector Preparedness and Integration, 17 April 2008.

⁴ *LEAP: A Law Enforcement Assistance and Partnership Strategy: Improving Information Sharing Between the Intelligence Community and State, Local, and Tribal Law Enforcement*. Prepared at the request of Congressman Bennie G. Thompson, House Committee on Homeland Security, pp. 10-12.

⁵ See for example, *NETworked Radicalization: A Counter-Strategy*, The George Washington University Homeland Security Policy Institute and The University of Virginia Critical Incident Analysis Group, http://www.gwumc.edu/hspi/reports/NETworked%20Radicalization_A%20Counter%20Strategy.pdf.

⁶ See for example the July 2007 National Intelligence Estimate: *The Terrorist Threat to the US Homeland*, http://www.dni.gov/press_releases/20070717_release.pdf.

⁷ An Historical Review of the Constitution and Government of Pennsylvania (1759).